THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.24753 OF 2006

Date: 29-11-2006

Between:
Krishna Bai, w/o SriLaxmiprashad Agarwal,
Aged 53 years, Occ:business,
R/o H.No.23-4-100, Gowlipura, Hyderabad.

... Petitioner.

And

1. The Special Deputy Collector,
   Land Acquisition,
   Municipal Corporation of Hyderabad,
   Hyderabad and another.

... Respondents.

* * *

ORDER:

The matter is coming up for admission. Heard Sri Sharad Sanghi, learned counsel for the petitioner and Sri Rama Rao Ghanta, learned counsel representing the respondents.

2. The writ petition is filed for a writ of Mandamus directing the respondents not to interfere with the peaceful possession of the petitioner over the petition schedule property of non-residential premises bearing municipal No.23-6-952, admeasuring 22.2 square yards situated at Shah Ali Banda, Hyderabad, apart from 16.07 square yards acquired by the first respondent in any manner in the interest of justice and pass such other suitable orders.

3. It is stated that the petitioner is the owner and possessor of non-residential premises bearing municipal No.23-6-952, admeasuring 22.2 square yards situated at Shah Ali Banda, Hyderabad, and it is stated that the petitioner purchased the petition schedule property under a registered sale deed dated 18.11.2003. It is also stated that the petitioner had set up a jewellery shop in the petition schedule property and has been eaking out her livelihood. It is further stated that the first respondent had issued a notice on 29.9.2006 calling upon the petitioner to vacate and hand over the vacant possession of 16.07 square yards of the petition schedule property for the purpose of road widening. The period of six days given by the first respondent was very short and it was not possible for the petitioner to make alternate arrangements. However, with great difficulty, the petitioner handed over the required extent of the property admeasuring 16.07 square yards to the first respondent for road widening and the first respondent had demolished the said property to the extent of 16.07 square yards. It is also stated that at the instance of neighbouring persons, particularly the person whose property is behind his premises, the respondents are trying to dismantle the entire property. It is also stated that even after the demolition of the extent of 16.07 square yards there still remains 7 to 8 square yards and it is stated that the petitioner is contemplating to make construction of a mulgi for the purpose of eaking out her livelihood. It is also further stated that on 24.11.2006 the officials of Municipal Corporation of Hyderabad came to the said property and tried to demolish the existing

structures for which the petitioner was unable to resist.

4. The specific stand taken by the writ petitioner is that inasmuch as a portion of the property already had been demolished, the respondents cannot further proceed with the demolition of rest of the property in the facts and circumstances of the case. When the petitioner is not a consenting party relating to the left over portion, it is needless to say that if the respondents intend to proceed with the demolition activity of the said left over portion, they are bound to follow due process of law.

5. In view of the same, the writ petition is disposed of directing the respondents not to resort to the demolition activity of the left over portion of the subject matter of the writ petition unless and until the respondents followed due process of law. No order as to costs.

_____

P.S.NARAYANA, J.

Date: November 29, 2006.

BSB